

NOT INCLUDED
IN BOUND VOLUMES

PBH
Oakland and
Berkeley, CA

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ALTA BATES SUMMIT MEDICAL CENTER
Employer

and

Case 32-RC-5612

NATIONAL UNION OF HEALTHCARE WORKERS
Petitioner

and

SERVICE EMPLOYEES INTERNATIONAL UNION,
UNITED HEALTHCARE WORKERS-WEST
Intervenor/Incumbent

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel,¹ has considered objections to an election held January 21, 2011, and the administrative law judge's report concerning disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 510 for Intervenor/Incumbent, 448 for Petitioner, and 21 for neither, with 12 challenged ballots, an insufficient number to affect the results.

¹ Member Becker, who is recused, is a member of the present panel but did not participate in the consideration of this case.

In *New Process Steel, L.P. v. NLRB*, ___ U.S. ___, 130 S. Ct. 2635 (2010), the Supreme Court left undisturbed the Board's practice of deciding cases with a two-member quorum when one of the panel members has recused himself. Under the Court's reading of the Act, "the group quorum provision [of Sec. 3(b)] still operates to allow any panel to issue a decision by only two members if one member is disqualified." *New Process Steel*, 130 S. Ct. at 2644; see also *Correctional Medical Services*, 356 NLRB No. 48, slip op. at 1 fn. 1 (2010).

The Board has reviewed the record in light of the exceptions and briefs,² has adopted the judge's findings and recommendations, and finds that a certification of representative should be issued.

CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for Service Employees International Union, United Healthcare Workers-West, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full-time and regular part-time employees employed by the Employer in Oakland and Berkeley, California, at its Alta Bates, Herrick, Merritt and Providence campuses in the following job classifications (and, where noted in parenthetical, only at specific locations): Admitting/Registration Rep; Ancillary Svcs Coder; Associate Care I (Alta Bates Medical Center or "ABMC"); Associate Care II-IV Certified; Associate Care II(ABMC); Billing/Scheduling Tech; Cash Adjuster; Central Processing Technical-Lead; Central Processing Technician I; Central Processing Technician II; Certified Nurse Assistant (Summit Medical Center or "SMC"); Clerk Typist; Computer Operator; Computer Operator Senior; Data Operator; Dishwasher/Potwasher; Dispatcher/Transporter (SMC); Distribution Tech; Eligibility Worker; Emergency Svc Tech (SMC); Environmental Aide; ER Unit Cleric (SMC); Financial Counselor; Food Service Aide; Head Env. Aide; Insurance Verifier; LVN; LVN Chem Dep (SMC); Medical Records Clerk I; Medical Records Clerk II; Medical Records Clerk III; Medical Records Specialist; Medi-Cal Review Assistant; Monitor Technician (SMC); Nurse Attendant; Office Coordinator; Oncology Data Assistant; Orthopedic Nurse Att. (SMC); Patient Account Asst; Patient Account Rep I; Patient Account Rep II; Patient Care Assistant(ABMC); Patient Placement Rep.; Patient Transporter (SMC); PBX Operator; Perinatal Aide (SMC); Program Aide (SMC); Registration Rep, Lead; Rehab Svc Aide (SMC); Store Clerk; Surgical Services Aide (SMC); Technician-Licensed Psyc (ABMC); Transcriptionist; Unit Secretary (SMC); Ward Clerk (ABMC); Worker-Mental Health (ABMC); excluding all office clerical and other clerical employees (ABMC), all cooks, stationary engineers,

² The judge was sitting as a hearing officer in this representation proceeding. The Petitioner has excepted to some of the hearing officer's credibility findings. The Board's established policy is not to overrule a hearing officer's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957). We have carefully examined the record and find no basis for reversing the findings.

technical, administrative , managerial and professional employees,
guards, and supervisors as defined in the National Labor Relations Act.

Dated, Washington, D.C., December 19, 2011.

Mark Gaston Pearce, Chairman

Brian E. Hayes, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD